

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

WILLIAM HARRIS,
CHRISTOPHER HUW HILL, and IAN EDWARD DAVID SMITH
(6,150,373),
Junior Party,

v.

ELLEN MYRA DOBRUSIN,
JAMES MARINO HAMBY, JAMES BERNARD KRAMER,
MEL CONRAD SCHROEDER, HOWARD DANIEL HOLLIS SHOWALTER,
PETER TOOGOOD, and SUSANNE A. TRUMPP-KALLMEYER
(09/623,737),
Senior Party.

Interference No. 104,798

Before SCHAFER, TORCZON, and NAGUMO, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

JUDGMENT – RULE 640

Upon consideration of the decisions in Papers 99, 109, and 116, and the order to show cause against Harris (Paper 102)–

ORDERED that judgment on priority as to Count*1 is awarded against junior party Harris;

FURTHER ORDERED that Harris is not entitled to a patent containing claim 1 of Harris's 6,150,373 patent, which corresponds to Count 1;

FURTHER ORDERED that senior party Dobrusin is not entitled to a patent containing claims to the subject matter of claims 1, 2, 7, 8, 43, 47, 54, 55, 58, 67, and 75 of Dobrusin's 09/623,737 application, which correspond to Count 1;

FURTHER ORDERED that, on the record of this interference, Dobrusin is entitled to a patent containing a claim to the subject matter of amended claims 56, 59, and 60 of Dobrusin's 09/623,737 application, which correspond to Count 1; and

FURTHER ORDERED that a copy of this decision be entered in the administrative record of Harris's 6,150,373 patent and of Dobrusin's 09/623,737 application.

RICHARD E. SCHAFER
Administrative Patent Judge

RICHARD TORCZON
Administrative Patent Judge

MARK NAGUMO
Administrative Patent Judge

BOARD OF
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INTERFERENCE
TRIAL SECTION

cc (electronic mail):

Counsel for Harris (Hoffman-La Roche Inc.): **Stephen M. Haracz** and **Kevin C. Hooper**
of BRYAN CAVE LLP.

Counsel for Dobrusin (Warner-Lambert Co.): **Rudolf E. Hutz** and **Ashley I. Pezzner** of
CONNOLLY BOVE LODGE & HUTZ.

Notice: Any agreement or understanding between parties to this interference, including any collateral agreements referred to therein, made in connection with or in contemplation of the termination of the interference, shall be in writing and a true copy thereof filed in the United States Patent and Trademark Office before termination of the interference as between said parties to the agreement or understanding. 35 U.S.C. 135(c); 37 C.F.R. § 1.661.

Townes, Yolunda

From: Townes, Yolunda on behalf of Interference Trial Section

Sent: Thursday, May 06, 2004 4:12 PM

To: 'Ashley I. Pezzner (CONNOLLY BOVE)'; 'Kevin C. Hooper (BRYAN CAVE)'; 'Rudolf E. Hutz (CONNOLLY BOVE)'; 'Stephen M. Haracz (BRYAN CAVE)'

Subject: Interference #104798.117 (RT) - Judgment-Rule 640

5/6/04